IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

Bail Appl..No. 1613 of 2007()

CRIME NO. 438 OF 2006 OF KASARAGOD POLICE STATION

PETITIONERS/ACCUSED

NAUFAL @ MOHAMMED NAUFAL,
S/O.P.B.ABDUL RAHIMAN, PEEBEE HOUSE,
MOGRAL PUTHUR, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY SHO
KASARAGOD POLICE STATION, REP. BY PUBLIC
PROSECUTOR, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 1613 OF 2007

DATED: 16-03-2007

O R D E R

Petitioner who is the 2nd accused in Crime No. 438 of 2006 of Kasaragod Police Station for offences punishable under Sections m 341, 324, 294 and 506 read with Sec. 34 I.P.C. , seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C. 463 of 2005 on the file of the Chief Judicial Magistrate's Court, the case against him was split up and re-filed as C.C. 795/06. His case was transferred to the Long Pending Case Register as L.P.C. 202/2006. Admittedly, non-bailable warrants of arrest are pending against the petitioner.

4. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Chief Judicial Magistrate, Kasaragod and seek regular bail. Accordingly, if the petitioner surrenders before the Chief Judicial Magistrate, Kasaragod and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after examining the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is dismissed.

V.RAMKUMAR, JUDGE.

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